

109TH CONGRESS  
2D SESSION

# S. 4109

To amend title 49, United States Code, to prohibit the operation of certain aircraft not complying with stage 3 noise levels.

---

## IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2006

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## A BILL

To amend title 49, United States Code, to prohibit the operation of certain aircraft not complying with stage 3 noise levels.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Aircraft Noise Reduc-  
5 tion Act of 2006”.

6 **SEC. 2. OPERATION OF AIRCRAFT NOT MEETING STAGE 3**  
7 **NOISE LEVELS.**

8 (a) IN GENERAL.—Subchapter II of chapter 475 of  
9 title 49, United States Code, is amended by adding at the  
10 end the following:

1 **“§ 47534. Prohibition on operating certain aircraft**  
 2 **weighing 75,000 pounds or less not com-**  
 3 **plying with stage 3 noise levels**

4 “(a) PROHIBITION.—Except as provided in sub-  
 5 section (b), (c), or (d), a person may not operate a civil  
 6 subsonic turbojet with a maximum weight of 75,000  
 7 pounds or less to or from an airport in the United States  
 8 unless the Secretary of Transportation finds that the air-  
 9 craft complies with stage 3 noise levels.

10 “(b) EXCEPTION.—Subsection (a) shall not apply to  
 11 aircraft operated only outside the 48 contiguous States.

12 “(c) OPT-OUT.—Subsection (a) shall not apply at an  
 13 airport where the airport operator has notified the Sec-  
 14 retary that it wants to continue to permit the operation  
 15 of civil subsonic turbojets with a maximum weight of  
 16 75,000 pounds or less that do not comply with stage 3  
 17 noise levels. The Secretary shall post the notices received  
 18 under this subsection on its website or in another place  
 19 easily accessible to the public.

20 “(d) LIMITATION.—The Secretary shall permit a per-  
 21 son to operate Stage 1 and Stage 2 aircraft with a max-  
 22 imum weight of 75,000 pounds or less to or from an air-  
 23 port in the contiguous 48 States in order—

24 “(1) to sell, lease, or use the aircraft outside  
 25 the 48 contiguous States;

26 “(2) to scrap the aircraft;

1           “(3) to obtain modifications to the aircraft to  
2       meet stage 3 noise levels;

3           “(4) to perform scheduled heavy maintenance  
4       or significant modifications on the aircraft at a  
5       maintenance facility located in the contiguous 48  
6       states;

7           “(5) to deliver the aircraft to an operator leas-  
8       ing the aircraft from the owner or return the air-  
9       craft to the lessor;

10          “(6) to prepare or park or store the aircraft in  
11       anticipation of any of the activities described in  
12       paragraphs (1) through (5); or

13          “(7) to divert the aircraft to an alternative air-  
14       port in the 48 contiguous States on account of  
15       weather, mechanical, fuel air traffic control or other  
16       safety reasons while conducting a flight in order to  
17       perform any of the activities described in paragraphs  
18       (1) through (6).

19          “(e) STATUTORY CONSTRUCTION.—Nothing in the  
20       section may be construed as interfering with, nullifying,  
21       or otherwise affecting determinations made by the Federal  
22       Aviation Administration, or to be made by the Administra-  
23       tion, with respect to applications under part 161 of title  
24       14, Code of Federal Regulations, that were pending on

1 the date of enactment of the Aircraft Noise Reduction Act  
2 of 2006.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 47531 of title 49, United States  
5 Code, is amended by striking “47529, or 47530”  
6 and inserting “47529, 47530, or 47534”.

7 (2) Section 47532 of title 49, United States  
8 Code, is amended by striking “47528-47531” and  
9 inserting “47528 through 47531 or 47534”.

10 (3) The chapter analysis for chapter 475 of title  
11 49, United States Code, is amended by inserting  
12 after the item relating to section 47533 the fol-  
13 lowing:

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or  
less not complying with stage 3 noise levels.”.

14 (c) EFFECTIVE DATE.—The amendments made by  
15 this section shall take effect on the date that is 3 years  
16 after the date of enactment of this Act.

○